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June 30, 1998

CALFED Bay-Delta Program
Attn: Mr. Breitenbach
1416 Ninth Street, Suite 1155
Sacramento, California 95814

Dear Mr. Breitenbach:

The County of Sutter appreciates the opportunity to submit the following comments on the first draft programmatic DEIS/R (SCH 96032083) for Phase II of the CALFED Bay-Delta Program. Sutter County is concerned with protecting its citizens, industry, and agriculture, and is specifically concerned about the safety of its residents, farmers' land and water interests, levee maintenance and flooding issues, and with the status of water rights and usage in the Central Valley. Due to the broad nature of the draft programmatic DEIS/R and the magnitude of the projects proposed, it is difficult to identify and comment upon the specific impacts on Sutter County.

Balancing Implementation

The implementation plan must contain a mechanism for balancing or withholding money so that funds are applied equitably to all components of the preferred alternative, and not just to the easiest projects to implement. Sutter County's concern is that promises will be made for construction of flood control means (or other mitigation) in exchange for supporting use of County resources for other components of the CALFED plan, especially the ERPP, without providing any assurance of completion of the flood control plan.

Storage

1. Surface Water Storage. Each of the alternatives lists a range of Sacramento Valley storage as 0 - 3 MAF, thus leaving open the possibility that no storage will be constructed. This, coupled with CALFED's commitment to providing in-delta needs as a primary goal, causes Sutter County to be concerned that storage may not be built. Sutter County strongly supports the development of surface water storage in the Sacramento Valley, specifically along the west side of the valley.
2. Reoperation of existing facilities. Updated operations plans for existing storage and conveyance facilities must address the effects of changes in the timing of operations.

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3. Sutter County supports increasing the flood storage capacity of existing facilities wherever possible.
4. The DEIS/R must be revised to include an alternative to construct surface water storage in Southern California. Such a reservoir could be used to receive water as available from other sources, freeing flood control storage capacity in existing Northern California reservoirs, and placing the responsibility for construction of new facilities close to the area of need. Such an alternative would also alleviate the high flow water conditions, such as is being experienced this year on the Sacramento River. These conditions result in seepage, causing significant agricultural damage, particularly in tree crops, resulting in economic damage to farms and other businesses in Sutter County.

Conveyance

1. Timing. Sutter County has experienced damage to permanent crops and newly planted areas in 1998 due to seepage through levees from late season releases from Shasta dam. This damage could have been prevented had the dam releases been managed differently by discharging more water earlier in the season.
2. Use of the Sacramento River, Feather River, Sutter Bypass, and local connecting facilities for either: a) water conveyance at times not now used for conveyance, or b) transferring larger volumes of water will introduce additional seepage to the surrounding lands. This has the potential to cause die-off of permanent crops, delay of planting, and other negative effects. We request that the assurances package require all Phase III projects to:
 - quantify the proposed flow regime/water management strategy for the new facility
 - quantify the baseline flow conditions of receiving water
 - assess changes in water surface elevation, volume, timing, and duration of the baseline flow resulting from the proposal
 - identify effects of the resulting condition upon the surrounding properties
 - provide an ongoing reporting mechanism of project water operations to local entities
 - provide a reimbursement mechanism to landowners for seepage damage
3. The Sacramento River, Feather River, and the Sutter Bypass are used as the conveyance system for the Central Valley Project and State Water Project. Levee and channel maintenance is provided by a variety of local agencies, depending upon jurisdiction. **Any CALFED project that increases flows in these existing conveyance systems must identify responsibility for increased maintenance and liability for potential failure. Local entities cannot be expected to assimilate additional expense and liability due to increased use.** If mitigation for this issue is proposed as levee system improvements, the assurances package

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must guarantee these improvements are constructed prior to increased use.

Structure of the phased implementation plan

1. Sutter County does not support the treatment of California as one large node, where benefits to one portion of the state are considered sufficient to offset impacts to another part. When considering whether substantial impacts are being redirected by a project, effects upon each county must be assessed independently and mitigation proposed locally. Mitigation requiring creation of habitat produces the potential for Sutter County and other Northern California Counties to suffer significant harm economically while other areas benefit. Sutter County contains three major waterways, the Sacramento River, Feather River, and Sutter Bypass, but our economy is extensively agricultural and depends upon water for survival. Without water, our economy would literally "dry up and blow away." Any activity that threatens agriculture or the water supply in Sutter County is unacceptable.
2. Sutter County is concerned that the Category III CALFED projects appear to be inappropriately preceding the CALFED process. Sutter County is already experiencing impacts due to Category III projects prior to finalizing the EIS/R, and suggests that this is actually piecemealing of the environmental process. The County of Sutter must not be forced to accept negative environmental and financial impacts without also receiving benefits from CALFED projects.
3. Downstream conveyance facilities and improvements must be constructed prior to developing new water supplies.

Assurances

Sutter County is concerned that the assurances package is ephemeral at this point, yet promises are being made that the processes will be sufficient to address concerns later. CALFED must implement a definitive and responsible process so that the assurances package is easy to use, accessible, and enforceable. We request that a "mandatory assurances checklist" be included in the programmatic EIS/R for use with all subsequent environmental analyses.

Environmental Restoration/ERPP

1. Effect of the lost agricultural production on Sutter County. CALFED projects that propose use of setback levees for riparian habitat enhancement must quantify how much land will be removed from production, what crops are produced on this acreage, and what the long-term valuation of the lost production will be. Secondary effects on the economy of Sutter County and surrounding areas must be quantified, and mitigation incorporated into the projects. If property internal to a setback levee is proposed to still be farmed, then the analyses must quantify such effects as the

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difficulty of obtaining agricultural loans on properties in a floodplain and the cost of periodic loss of crops due to flooding or delayed planting due to inundation.

2. Loss of tax base. The proposed projects could remove a substantial percentage of high quality Sutter County farmland from production. The ensuing loss of tax revenue will have substantial negative effects on Sutter County. This lost tax revenue must be quantified, and long-term mitigation incorporated into the projects. The lowered tax base is especially troublesome from the perspective of sheriff, fire, and flood control activities, the need for which is likely to increase due to the change in land use.
3. Seepage damage. Seepage at new levee locations will affect previously unaffected properties. Since the new levees would be, in many cases, at locations which are LOWER than the current levees, water depths and hydrostatic pressures against those levees will be elevated. New seepage zones will be created where they did not previously exist, and the affected landowners may experience permanent crop die-off or delayed planting times due to wet ground. Project designs must reduce these effects by providing seepage cutoffs or other method of hydrostatic pressure control. In addition to attempting to control seepage, some method of landowner reimbursement must be instituted in the likely event of failure of the seepage control method.
4. Maintenance. Project designs must identify who will maintain the levees and the method of funding the maintenance. Maintenance of project(s) must remain accessible and responsible to the citizenry of Sutter County since project activities will affect our environment, public works, and economy.
5. Riparian corridor design at roadway and bridges. The ERPP references the elimination of rip rap and bridge abutment protection within the meander zones in order to create habitat. The meander zones will flood existing essential County roadways. Analysis of this option must identify who pays for modifications necessary to accommodate the areas that will be newly flooded or otherwise changed to accommodate riparian corridor management. How will the County be reimbursed for additional maintenance costs to remove sediment from, or periodically rebuild, roadways that traverse the newly created floodplains? How will essential transportation routes be kept open if the roads are flooded, or bridges threatened due to lack of erosion protection? Any mitigation costs or increased maintenance costs must be borne by CALFED.
6. Hydraulic design at transitions Changes in the hydraulic regime at transitions into and out of the project will cause sedimentation and erosion. Project operation and maintenance must include accounting for periodic and post-flowage event maintenance to clear sediment and repair erosion at transitions.

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7. Patchwork development of project CALFED project guidelines say only projects with willing participants will be funded. How will the projects be executed if some landowners choose not to participate?
8. Debris. The proposed riparian corridors will create a substantial amount of floatable biomass which will travel offsite when the corridor flows. This material will be trapped at downstream constrictions, generating substantial maintenance costs, and potentially damaging properties or flood control facilities such as levees. A debris catchment must be provided at each transition to non-project property. Maintenance of these debris catchments must be provided by project proponents, and must be performed at each flowage event.
9. Water rights. Further analysis must identify how water will be supplied to the projects. Will habitat require more or less water than the crops now produced on the lands? What will be the source of the additional water, or what will happen to the water freed for use? Who are the owners of these entitlements and what mechanism will be used to transfer rights, if need be?
10. Chance of increased flooding. Altered hydraulics at project transitions, debris loading, and maintenance-dependent levees and channels all increase the possibility of flooding. Project design must assess the probability of flooding and identify liability.

Water Transfers

1. Sutter County supports the enactment of legislation strengthening local control and Area of Origin rights for water transfers.
2. Groundwater pumping for use elsewhere is an unproven strategy. Potential impacts are serious, and largely not mitigatable once they occur, such as subsidence and salt water intrusion. Use of groundwater does not create any true new water supplies.
3. Sutter County does not support idling of farmland for use of the property surface water allocation or groundwater rights.
4. Groundwater as a long term supply must not precede surface water development.

General

1. Conservation and water use efficiency are essential to the success of CALFED, and must take a strong position in each program element.
2. The full costs of new water supplies, including mitigation and economic effects within local economies, must be applied to the cost of the water.

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3. The DEIS/R is directed towards new facility construction to increase water diversions and transfers, and does not support the assumption that this is the best overall solution for the problems as stated. The document does not uphold the need for additional water supply development in Northern California. It appears as though the Bay-Delta system is being improved mainly for the benefit of new water deliveries to Southern California. Sutter County believes it is possible for Southern California to develop and store new water supplies while still taking care of the needs of the Delta. Assumptions for projected water demands must be disclosed in the document so that they may be confirmed by the local agencies and jurisdictions that will be required to live with the long-term consequences.
4. Watershed management is not given adequate consideration in the documents. Many drainages would drastically benefit from relatively simple programs to improve water quality and increase water supply.
5. Mitigation analysis is insufficient. Deferral of studies leaves many issues unresolved, with insufficient information to support the decisions being made.
6. The DEIS/R must be revised to include analysis of desalinization as a potential water supply for Southern California, rather than placing the burden of developing new water delivery capability on Northern California.

Sutter County has significant concerns regarding the objectives, methods of analysis, and impacts associated with the proposed CALFED draft programmatic EIS/R. There is also a strong need for improved communication and coordination between CALFED and the County of Sutter, particularly with respect to the Category III projects.

The County of Sutter must not be forced to accept negative environmental and financial impacts without also receiving benefits from CALFED projects.

Sincerely,



Larry Mungel
Chairman

LM:LG:ngh

cc: Senator Barbara Boxer
Senator Dianne Feinstein
Representative Vic Fazio
Dan Keppen, Northern California Water Association
Vickie Newland, Butte County
Dana Hall, Tehama County
Tom Last, Principal Planner, Sutter County
John Fahrner, Associate Planner, Sutter County